

REMARKS

Claims 1-62 are pending in the application.

Claims 50 and 62 have been amended. Support for these amendments may be found throughout the specification for example, on p.19 ll. 16-18, and the claims as originally filed.

Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Rejections under 35 U.S.C. § 103

Claims 50-62 stand rejected under 35 U.S.C. § 103 as being unpatentable over Thomeer, U.S. Patent 5,828,003 (the "'003 patent) in view of Charboneau, U.S. 5,551,484. Claims 50 and 62 have been amended to recite "one or more fibers helically wound relative to the longitudinal axis," as recited in, e.g. claim 38.

As the Office Action notes, the '003 patent discloses "fibers which are wrapped circumferentially around the longitudinal axis." Applicants respectfully submit that the '003 patent does not render the instant claims obvious in view of Charboneau.

First, neither the '003 patent nor Charboneau teach or suggest a tube that includes a layer with helically wound fibers and a sensor coupled to the wall of the tube. Further, there is no suggestion or motivation in either Charboneau or the '003 patent of such tube. Therefore, Applicants respectfully request withdrawal of this rejection.

Claims 1-62 stand rejected under 35 U.S.C. § 103 as being unpatentable over Quigley et al, U.S. Patent No. 6,106,845 in view of Charboneau, U.S. No. 5,551,484. Applicants respectfully traverse this rejection. Applicants submit that the instant application and U.S. 6,106,845 were, at the time the instant invention was made, jointly owned by, or subject to a joint obligation of assignment to, Fiberspar, Inc. Thus, U.S. Patent No. 6,106,845 is not prior art under any of sections 35 U.S.C. 102(e), (f) or (g) for the purposes of § 103 pursuant to 35 U.S.C. § 103(c). Accordingly, withdrawal of this rejection under 35 U.S.C. § 103 is respectfully requested.

Double Patenting

Claims 1-62 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-67 of U.S. Patent No. 5,921,285 in view of Charboneau. Applicants submit a terminal disclaimer over commonly owned U.S. Patent No. 5,921,285. Therefore, Applicants respectfully request withdrawal of these rejections.

CONCLUSION

In view of the foregoing remarks, Applicants request that the Examiner reconsider and withdraw the pending rejections.

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Respectfully submitted,



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